

CITY OF TEMPE HEARING OFFICER

Meeting Date: 09/04/2018

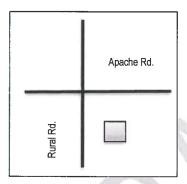
Agenda Item: 7

ACTION: Request approval to abate public nuisance items at the R & K Tempe Property located at 1117 E. Spence Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1772.00 for abatement request, removal of trash, junk and debris from back yard patio area.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the R & K TEMPE PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE181525: removal of trash, junk and debris from back yard patio area.



Property Owner

R & K TEMPE LLC

Applicant

City of Tempe - Code Compliance

Zoning District:

R-4, Multi-Family Residential

Code Compliance Inspector:

Michael Glab, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the R & K Tempe Property located at 1117 E. Spence Avenue, in the R-4, Multi-Family Residential district. This case was initiated 03/14/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

Project Submittal Application

City of Tempe Community Development Department 31 E. 5th Street, Garden Level, Tempe, AZ 85281 Building Safety - Phone:480-350-8341 Fax:480-350-8677 Planning - Phone: 480-350-8331 Fax: 480-350-8872 www.tempe.gov



			Project II	nformation - Requi	red					
Project Name: R & K TEMPE		EMENT		-						
Project Address: 1117 E SPEN	NCE AVE					Suite No.:				
Proposed Use of Building/Suite:						Existing Zoning: R-4				
Legal Description: Attached	HALSING	BORG TR	AN 133'			Parcel No.: 133-09-01	9A 🗆			
Description of Work/Request: AB	ATEMENT	OF CE18	31525							
	SEPTEMB	ER 04, 20	18							
			Valua	ation (for building p	olan review only):					
			Applicant	Information - Requ						
Company or Firm Name: CITY (OF TEMPE	/ CODE (COMPLIAN	NCE	Telephone 1:		Ext:			
Applicant's Name: MICHAEL C	GLAB / CO	DE INSPE	CTOR		Telephone 2: (480) 35	50	Ext: 5461			
Applicant's Street Address : 21 E	6TH ST S	SUITE 208			Fax:					
City: TEMPE			State: AZ	^{Zip:} 85281	Email Address(es):				
Applicant Signature:	vil A	Dec			Date: 07/26/1	8				
	~) \		Fo	r City Use Only						
Planning	Fees	Building		Engineering		Submitted Materials:				
□ SPR		□ New Bui	_	☐ Engineering		Building	Fire			
□ Dev Plan Review		□ Comp		☐ Revision		Planning	Signs			
☐ Sign Permit		□ Basic		Tracking Nos.:		Engineering				
☐ Use Permit		□ Add/Alt		DS						
□ Variance		□ TI				☐ Spec Book(s)	□ Soils Report			
☐ General Plan Amend		☐ AFES (O/H)		BP		☐ Structural Calcs	□ Report			
☐ Zoning Amend		□ MF		EN		☐ Truss Calcs	☐ Materials			
☐ Zoning Verification Letter		☐ NRes		PL		☐ Hydraulic Calcs	□ Color Board			
☐ Subdivision/Condo		☐ Res Rer	nodel/Add			☐ Parking Analysis	☐ Haz Mat Form			
□ PAD Overlay		□ Pool		X		☐ Lighting Cut Sheets	□ Other:			
☐ Legal Posting Signs		□ Demo		PC		Total Valuation:				
☐ Administrative Decision		☐ Grading		PPC						
■ Abatement		□ Phased		CA		Total Submittal Fees:				
☐ Shared Parking		□ Phased w/UG M		CA						
□ CCR Review		□ Structura		FR						
☐ Continuance		☐ MEP On		RA						
□ Appeal		☐ Mobile H	-	SGN						
□ Other		☐ Factory		PF		Validation:				
Fire		□ Deferred	l submittal							
□ Tanks		☐ Revision		MCA Code:						
☐ Spray Paint Booth		□ New Sta								
☐ Special Extinguishing		☐ Permits on Stand		File With:						
☐ Fire Alarm		Un Stallt	anu #			Date Stamp:				
☐ Kitchen Hood System		□ Suiting								
☐ Rack Storage		□ Other		Received By:						
☐ Hazmat										
□ Other										

DATE: 07/26/2018

SUBJECT: R & K TEMPE LLC Property Abatement

LOCATION: 1117 E SPENCE AVE. TEMPE, AZ 85282

LEGAL: Book 041, Map 035, Parcel 133, as recorded with the Maricopa County

Assessor

OWNER: R&KTEMPELLC

5203 E WALLACE AVE SCOTTSDALE, AZ 85254

FINDINGS:

On 03/14/18 my office received complaint of junk/debris in backyard of property On 03/20/18 I observed violation of junk/debris code, so I telephoned Mr. Kahn, reached voicemail, left message asking he address matters at property.

On 03/26/18 I observed no change at property, no response from Mr. Kahn, notice was mailed to last known owner address.

On 04/04/18 Received voicemail from Mr. Kahn. Called Mr. Kahn back, he stated he would have contractor view property and address any matters

On 04/10/18 I observed little to no change at property, second notice was mailed to owner's last known address

On 05/03/18 I observed little to no change at property, posted a notice to structure

On 05/21/18 I observed little to no change at property. Citation 1619905 issued to owner On 06/11/18 I observed little to no change at property.

On 06/14/18 I observed little to no change at property, sought bids for abatement. Observed Acecla had mention of demolition approval.

On 07/23/18 I observed little to no change at property, contacted Planning to confirm demolition was approved, advised that owner approved to demo at any time, but may be planning to demo at time of redevelopment, which at this point appears to be approximately one year out. On 07/26/18 abatement packet was submitted for addition to 09/04 hearing agenda.

RECOMMENDATIONS:

The owner of this property, R & K TEMPE LLC, has made little to no attempt to bring the property into compliance. R & K TEMPE LLC has not had any prior abatements conducted on this property. Due to the failure of the property owner to address this matter, a 180 day open abatement period is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

MICHAEL GLAB Code Inspector City of Tempe

ACTION TAKEN:

NAME

DATE:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 07/26/2018 Case #: CE181525

R&K TEMPE LLC C/O SHAHBAZ KHAN 5203 E WALLACE AVE SCOTTSDALE, AZ 85254

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Location: 1117 E SPENCE AVE TEMPE, AZ 85281

Parcel: 13309019A

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 09/04/2018. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

CC 21-3.b.1

Filthy, littered, debris or trash-covered exterior areas

CC 21-3.b.15

A wall or fence deteriorated in appearance or which constitutes a hazard

If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

CC 21-3.b.1

Please remove trash, junk, debris from the property (backyard patio area, mattress, etc.).

CC 21-3.b.15

Please repair damaged fencing, so that openings are once again secured.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$1,772.00. In addition to the actual cost of abatement, an administrative charge of fifteen(15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the City for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate of judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480)350-8311.

Code Inspector: Michael Glab Phone Number: 480-350-5461 E-mail: Michael Glab@tempe.gov



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

03/26/2018

R&K TEMPE LLC C/O SHAHBAZ KHAN 5203 E WALLACE AVE SCOTTSDALE, AZ 85254

Case #: CE181525

Site Address: 1117 E SPENCE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 03/26/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;
CC 21-3.b.15	Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove trash, junk, debris from the property (backyard patio area, mattress, etc.).	4/9/2018
CC 21-3.b.15	Please repair damaged fencing, so that openings are once again secured.	4/25/2018

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov **Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b). **Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation |Sections 21-31; 21-32; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. |Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. |Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. |Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. |The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

04/10/2018

R&K TEMPE LLC C/O SHAHBAZ KHAN 5203 E WALLACE AVE SCOTTSDALE, AZ 85254

Case #: CE181525

Site Address: 1117 E SPENCE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 04/09/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;
CC 21-3.b.15	Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE T	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove trash, junk, debris from the property (backyard patio area, mattress, etc.).	04/25/2018
CC 21-3.b.15	Please repair damaged fencing, so that openings are once again secured.	04/25/2018

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov **Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b). **Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation |Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation |Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. |Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. |Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. |Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. |The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

05/03/2018

R&K TEMPE LLC C/O SHAHBAZ KHAN 5203 E WALLACE AVE SCOTTSDALE, AZ 85254

Case #: CE181525

Site Address: 1117 E SPENCE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 05/03/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;
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PLEASE TAKE	SITE REINSP ON OR AFTER		
CC 21-3.b.1	Please remove trash, junk, debris from the property (backyard patio area, mattress, etc.).	05/10/2018	
CC 21-3.b.15	Please repair damaged fencing, so that openings are once again secured, preventing squatter/transient entry.	06/04/2018	

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab Code Inspector

Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov **Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b). **Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation |Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

06/14/2018

R&K TEMPE LLC C/O SHAHBAZ KHAN 5203 E WALLACE AVE SCOTTSDALE, AZ 85254

Case #: CE181525

Site Address: 1117 E SPENCE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 06/14/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.15	A wall or fence deteriorated in appearance or which constitutes a hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION						
CC 21-3.b.1	Please remove trash, junk, debris from the property (backyard patio area, mattress, etc.).	IMMEDIATELY				
CC 21-3.b.15	Please repair damaged fencing, so that openings are once again secured.	07/13/2018				

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b). **Civil and Criminal Penalties**

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



Com									ommercial										
LO L 9 3 Unjury 16 Passenger Vehicle Haz. Mate Driver's License No. DLP State Class Endorsements Incident Report Number										ız. Material									
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D	Defendant Name (First, Middle, Last) SHAHBAZ KHAN Juvenile																		
Resid	Residence Address, City, State, Zip Code Residence Phone No.																		
Sex	Sex Height Weight Eyes Hair Origin Date of Birth Restrictions																		
Busin	Business Address, City, State, Zip, Code SCOTTSDALE AT 85254 Business Phone No.																		
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or re	license/driving privileges until you comply or reach your 18th birthday. Initials Date issued if not violation date																		

COMPLAINT



HAMANN ENTERPRISES, LLC

4001 W CAMELBACK RD C30 PHOENIX, AZ 85019 (602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: MICHEAL GLAB

FIRM: CITY OF TEMPE

DATE: 6/15/18

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE UNDER CONTRACT # T18-011-03

ADDRESS: 1117 E SPENCE AVE

1 REMOVAL OF TRASH AND DEBRIS FROM YARDS	\$1,120.00
2 ESTAMATED DUMP FEES	\$100.00
3 SECURITY BY TEMPE POLICE	\$552.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	\$1,772.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN





